

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

U.S. ANESTHESIA PARTNERS, INC. et al.,

Defendants.

Case No. 4:23-cv-03560-KMH

**DEFENDANT U.S. ANESTHESIA PARTNERS, INC.’S
UNOPPOSED MOTION TO SEAL**

Pursuant to Federal Rules of Civil Procedure 5.2(d) and (e), Defendant U.S. Anesthesia Partners, Inc. respectfully moves the Court to place under seal the entirety of its Motion To Dismiss (“Motion”), and further permit it to file a public version that redacts two narrow categories of information. First, USAP seeks to redact information (totaling twelve words) that this Court recently held to be exempt from public disclosure in its November 2, 2023 Order. *See* Motion at 6, 8, 27 n.10, 33. That information should remain under seal for the same reasons set forth in the Court’s Order. *See* Dkt. No. 80 at 1 (finding that the “competitive sensitivity” of this information “outweighs the public’s presumptive right of access to judicial records”). Second, USAP seeks to redact information that is the subject of a non-party’s outstanding motion to seal. USAP will submit a revised version of its redacted Motion to conform, as necessary, to any ruling the Court may make on the pending motion.

On November 20, 2023, counsel for USAP conferred with the FTC regarding the relief sought in this Motion To Seal. *See* L.R. 7.1(D). Counsel for the FTC indicated that the FTC

does not oppose this Motion To Seal. A Proposed Order consistent with the relief sought herein is attached.

Dated: November 20, 2023

Respectfully submitted,

David J. Beck (TX Bar No. 00000070)
(Federal I.D. No. 16605)
Garrett S. Brawley (TX Bar No. 24095812)
(Federal I.D. No. 3311277)
BECK REDDEN LLP
1221 McKinney Street, Suite 4500
Houston, TX 77010
Tel: (713) 951-3700
Fax: (713) 951-3720
dbeck@beckredden.com
gbrawley@beckredden.com

Mark C. Hansen
Mark C. Hansen (D.C. Bar No. 425930)
(*Pro Hac Vice*)
Attorney-in-Charge
Geoffrey M. Klineberg (D.C. Bar No. 444503)
(*Pro Hac Vice*)
David L. Schwarz (D.C. Bar No. 471910)
(*Pro Hac Vice*)
Kevin J. Miller (D.C. Bar No. 478154)
(*Pro Hac Vice*)
Dennis D. Howe (D.C. Bar No. 90011114)
(*Pro Hac Vice* Application Pending)
Derek C. Reinbold (D.C. Bar No. 1656156)
(*Pro Hac Vice* Application Pending)
KELLOGG, HANSEN, TODD,
FIGEL & FREDERICK, P.L.L.C.
1615 M Street N.W., Suite 400
Washington, D.C. 20036
Tel: (202) 326-7900
Fax: (202) 326-7999
mhansen@kellogghansen.com
gklineberg@kellogghansen.com
dschwarz@kellogghansen.com
kmiller@kellogghansen.com
dhowe@kellogghansen.com
dreinbold@kellogghansen.com

Counsel for Defendant U.S. Anesthesia Partners, Inc.

CERTIFICATE OF CONFERENCE

I hereby certify that on November 20, 2023, counsel for USAP conferred via electronic mail with counsel for the FTC concerning the relief requested in this Motion To Seal. I am authorized to state that the FTC does not oppose this Motion To Seal.

Respectfully submitted,

/s/ Geoffrey M. Klineberg

Geoffrey M. Klineberg

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2023, I filed the foregoing document with the Court and served it on opposing counsel through the Court's CM/ECF system. All counsel of record are registered ECF users.

Respectfully submitted,

/s/ Mark C. Hansen

Mark C. Hansen